

Remarks

Claims 1-29 are pending in the application.

Claims 1-8, 10-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Chen (U.S. Patent No.: 6,567,380, hereinafter "Chen) and RFC 1771 as extrinsic evidence which is incorporated by reference per col. 5, line 59 to 61.

Claims 12 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen and RFC 1771 as extrinsic evidence which is incorporated by reference per col. 5, line 59 to 61.

Claims 15-22 are rejected under 35 U.S.C. 112, first paragraph, because they are directed to a single means claim.

Each of the various rejections and objections are overcome by amendments that are made to the specification, drawing, and/or claims, as well as, or in the alternative, by various arguments that are presented.

Entry of this Amendment is proper under 37 CFR 1.116 since the amendment: (a) places the application in condition for allowance for the reasons discussed herein; (b) does not raise any new issue requiring further search and/or consideration since the amendments amplify issues previously discussed throughout prosecution; (c) satisfies a requirement of form asserted in the previous Office Action; (d) does not present any additional claims without canceling a corresponding number of finally rejected claims; or (e) places the application in better form for appeal, should an appeal be necessary. The amendment is necessary and was not earlier presented because it is made in response to arguments raised in the final rejection. Entry of the amendment is thus respectfully requested.

Any amendments to any claim for reasons other than as expressly recited herein as being for the purpose of distinguishing such claim from known prior art are not being made with an intent to change in any way the literal scope of such claims or the range of equivalents for such claims. They are being made simply to present language that is better in conformance with the form requirements of Title 35 of the United States Code or is simply clearer and easier to understand than the originally presented language. Any amendments to any claim expressly made in order to distinguish such claim from known prior art are being made only with an intent to change the literal scope of such claim in

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the most minimal way, i.e., to just avoid the prior art in a way that leaves the claim novel and not obvious in view of the cited prior art, and no equivalent of any subject matter remaining in the claim is intended to be surrendered.

Also, since a dependent claim inherently includes the recitations of the claim or chain of claims from which it depends, it is submitted that the scope and content of any dependent claims that have been herein rewritten in independent form is exactly the same as the scope and content of those claims prior to having been rewritten in independent form. That is, although by convention such rewritten claims are labeled herein as having been "amended," it is submitted that only the format, and not the content, of these claims has been changed. This is true whether a dependent claim has been rewritten to expressly include the limitations of those claims on which it formerly depended or whether an independent claim has been rewritten to include the limitations of claims that previously depended from it. Thus, by such rewriting no equivalent of any subject matter of the original dependent claim is intended to be surrendered. If the Examiner is of a different view, he is respectfully requested to so indicate.

Rejection Under 35 U.S.C. 102

Claims 1-8, 10-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Chen (U.S. Patent No.: 6,567,380, hereinafter "Chen) and RFC 1771 as extrinsic evidence which is incorporated by reference per col. 5, line 59 to 61. The rejection is traversed.

Chen fails to teach or suggest "transmitting reason information associated with a route update or withdraw," as claimed in Applicants' claim 1. Rather, Chen merely teaches that the reason for the change in the best path of a route is identified and recorded using change flags, and that the change flags are then considered, in combination with the characteristics of a neighbor router, in order to determine whether or not a route update for the route should be sent to the neighbor router. In other words, Chen discloses that a router identifies how a route has changed and compares how the route has changed with configuration information for a neighbor router in order to determine whether or not a route update needs to be sent to that neighbor router. Thus, in Chen, the "reason" information (which, according to Chen, is only a description of what has changed for the

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associated route, not a reason for the change) is not exchanged between routers; rather, the “reason” information is identified and stored locally at a router for use by the router in determining whether or not to send a corresponding route update to neighboring routers.

By contrast, Applicants’ claim 1 claims “transmitting reason information associated with a route update or withdraw, wherein the reason information comprises a reason for the route update or withdraw.” Chen is devoid of any teaching or suggestion of transmitting any information which is indicative of a reason for a route update or a route withdraw. In fact, what Chen calls a “reason” is not reason information; rather, as stated in Chen, it is a description of what has changed, not a description of the reason for the change. Therefore, Chen fails to teach or suggest each and every element of Applicants’ claim 1.

Furthermore, RFC 1771, alone or in combination with Chen, fails to teach or suggest “transmitting reason information associated with a route update or withdraw, wherein the reason information comprises a reason for the route update or withdraw,” as claimed in Applicants’ claim 1. Rather, RFC 1771 merely discloses Border Gateway Protocol 4 (BGP-4). Specifically, in the Office Action, the Examiner cites Pgs. 36 and 38 of RFC 1771, however, the cited portions of RFC 1771 merely describe route selection and route dissemination according to BGP-4, including handling of overlapping routes. RFC 1771 is devoid of any teaching or suggestion of “transmitting reason information associated with a route update or withdraw,” as claimed in Applicants’ claim 1.

In the Office Action, the Examiner cites path attributes per Figure 5 of Chen, in combination with cost information per RFC 1771, asserting that this combination of information comprises reason information. Applicants respectfully submit that Figure 5 of Chen merely discloses a BGP update message including a length field 502 which indicates the length of a withdrawn routes field 504 which includes a list of IP address prefixes for routes being withdrawn, a total path attribute length field 506 which indicates the total length of path attributes field 600, and a network layer reachability information field 508 which includes a list of IP address prefixes. In other words, the BGP update message 500 of Chen merely includes length information and lists of IP address prefixes. There is simply no reason information included in the BGP update message 500 of Chen. Similarly, the hop count of RFC 1771 is not reason information. Therefore, no

conceivable combination of Chen and RFC 1771 can teach or suggest reason information indicative of a reason for a route update or withdraw, as claimed in Applicants' claim 1.

Furthermore, Applicants respectfully submit that the Examiner has improperly applied the rejection under 35 U.S.C. 102 because the Examiner has improperly relied upon multiple references in applying the rejection. MPEP § 2131.01 states that, normally, only one reference should be used in making a rejection under 35 U.S.C. 102; however, a 35 U.S.C. 102 rejection over multiple references has been held to be proper when the extra references are cited to: (A) Prove the primary reference contains an "enabled disclosure"; (B) Explain the meaning of a term used in the primary reference; or (C) Show that a characteristic not disclosed in the reference is inherent. Applicants submit that the Examiner has not applied RFC 1771 for any of the three reasons identified in MPEP § 2131.01. Specifically, the Examiner has not applied RFC 1771 to prove that Chen contains an enabled disclosure, the Examiner has not applied RFC 1771 to explain the meaning of any term in Chen, and the Examiner has not applied RFC 1771 to show that a characteristic is inherent. Rather, the Examiner has clearly applied teachings of RFC 1771 in combination with the teachings of Chen in order to attempt to arrive at Applicants' claim 1. Specifically, the Examiner asserts that hop count information of RFC 1771 teaches the reason information of Applicants' claim 1. (Office Action, Pg. 2). The Examiner does not indicate that the hop count cited from RFC 1771 is cited for any of the exceptions provided for under MPEP § 2131.01. Thus, Applicants respectfully submit that rejection under 35 U.S.C. 102 in view of two references is improper.

Additionally, with respect to the rejection rejection under 35 U.S.C. 102 in view of two references, Applicants note that MPEP § 2131.01.III states that "[t]o serve as an anticipation when the reference is silent about the asserted inherent characteristic, such gap in the reference may be filled with recourse to extrinsic evidence. Such evidence must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill." *Continental Can Co. USA v. Monsanto Co.*, 948 F.2d 1264, 1268, 20 USPQ2d 1746, 1749 (Fed. Cir. 1991). Applicants note that RFC 1771 fails to make clear that the matter which is missing from Chen is necessarily present in Chen. Applicants further note that the Examiner has failed to provide any indication or argument as to how RFC 1771

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makes it clear that the matter which is missing from Chen is necessarily present in Chen. Thus, Applicants respectfully submit that the Examiner's use of RFC 1771 as extrinsic evidence in the rejection under 35 U.S.C. 102 is improper and, thus, that rejection under 35 U.S.C. 102 in view of two references is improper.

Accordingly, Applicants respectfully submit that the rejection under 35 U.S.C. 102 in view of both Chen and RFC 1771 is improper.

Anticipation requires the presence, in a single prior art disclosure, of each and every element of the claimed invention, arranged as in the claim. Chen fails to disclose each and every element of the claimed invention, as arranged in claim 1. Similarly, RFC 1711 fails to disclose each and every element of the claimed invention, as arranged in claim 1. Thus, Chen and RFC 1711, alone or in combination, also fail to disclose each and every element of the claimed invention, as arranged in claim 1.

As such, independent claim 1 is not anticipated by Chen or RFC 1771 and is patentable under 35 U.S.C. 102. Similarly, claims 15, 23 and 26 recite relevant limitations similar to those recited in independent claim 1 and, as such, and at least for the same reasons as discussed above, these independent claims also are not anticipated by Chen or RFC 1771 and are patentable under 35 U.S.C. 102. Furthermore, since all of the dependent claims that depend from the independent claims include all the limitations of the respective independent claim from which they ultimately depend, each such dependent claim is also allowable over Chen and RFC 1771.

Therefore, the rejection should be withdrawn.

Rejection Under 35 U.S.C. 103

Claims 12 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen and RFC 1771 as extrinsic evidence which is incorporated by reference per col. 5 line 59 to 61. The rejection is traversed.

This ground of rejection applies only to dependent claims and is predicated on the validity of the rejection under 35 U.S.C. 102 given Chen and RFC 1771. Since the rejection under 35 U.S.C. 102 given Chen and RFC 1771 has been overcome, as described hereinabove, this ground of rejection cannot be maintained.

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As such, Applicants' claims 12 and 20 are allowable over Chen and RFC 1771 under 35 U.S.C. 103(a). Therefore, the rejection should be withdrawn.

Rejection Under 35 U.S.C. §112

Claims 15-22 are rejected under 35 U.S.C. 112, first paragraph, because they are directed to a single means claim. The rejection is traversed.

Applicants have herein amended claim 15 such that claim 15 is no longer a single means claims.

Therefore, the rejection should be withdrawn.

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Conclusion

It is respectfully submitted that the Office Action's rejections have been overcome and that this application is now in condition for allowance. Reconsideration and allowance are, therefore, respectfully solicited.

If, however, the Examiner still believes that there are unresolved issues, the Examiner is invited to call Michael Bentley at (732) 383-1434 or Eamon Wall at (732) 530-9404 so that arrangements may be made to discuss and resolve any such issues.

Respectfully submitted,

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